



Report to Congress on Implementation of the New START Treaty

**Pursuant to paragraph (a)(10) of the Senate’s Resolution of Advice and Consent
to Ratification the New START Treaty (Treaty Doc. 111-5)**

NEW START TREATY ANNUAL IMPLEMENTATION REPORT

This report is transmitted in response to Condition (a)(10) of the Senate’s December 22, 2010, Resolution of Advice and Consent to Ratification of the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (the “New START Treaty”). The New START Treaty was signed in Prague on April 8, 2010, and entered into force on February 5, 2011, upon exchange of the instruments of ratification.

Condition (a)(10) of the Resolution of Advice and Consent to Ratification of the New START Treaty calls for the President to submit a report to the Committees on Foreign Relations and Armed Services of the Senate not later than January 31 of each year, beginning with January 31, 2012, providing:

- (A)** details on each Party's reductions in strategic offensive arms between the date the New START Treaty entered into force and December 31, 2011, or, in subsequent reports, during the previous year;
- (B)** a certification that the Russian Federation is in compliance with the terms of the New START Treaty, or a detailed discussion of any noncompliance by the Russian Federation;
- (C)** a certification that any conversion and elimination procedures adopted pursuant to Article VI of the New START Treaty and Part Three of the Protocol have not resulted in ambiguities that could defeat the object and purpose of the New START Treaty, or

 - (i)** a list of any cases in which a conversion or elimination procedure that has been demonstrated by Russia within the framework of the Bilateral Consultative Commission remains ambiguous or does not achieve the goals set forth in paragraph 2 or 3 of Section I of Part Three of the Protocol; and
 - (ii)** a comprehensive explanation of the steps the United States has taken with respect to each such case;
- (D)** an assessment of the operation of the New START Treaty's transparency mechanisms, including

 - (i)** the extent to which either Party encrypted or otherwise impeded the collection of telemetric information; and
 - (ii)** the extent and usefulness of exchanges of telemetric information; and

- (E) an assessment of whether a strategic imbalance exists that endangers the national security interests of the United States.

On November 2, 2011, the President delegated authority to submit the Condition (a)(10) Report to the Secretary of State. On December 14, 2011, the Secretary of State delegated this authority to the Under Secretary of State for Arms Control and International Security. This Report is divided into sections covering each of the items listed in Condition (a)(10).

A. Details on each Party's reductions in strategic offensive arms subject to the New START Treaty between January 1, 2023, and December 31, 2023.

Due to the Russian Federation's failure in 2023 to provide updated data regarding its strategic offensive arms subject to the Treaty on a biannual basis, the United States is unable to provide details on the Russian Federation's aggregate numbers of strategic offensive arms. This issue is discussed in more detail in Section B of this report.

On May 12, 2023, the United States voluntarily publicly released aggregate data for its strategic offensive arms in the interest of transparency and demonstrating the U.S. commitment to responsible nuclear conduct. This data was current as of March 1, 2023. Below are the United States' aggregate numbers of strategic offensive arms as of that date.

NEW START TREATY AGGREGATE NUMBERS OF STRATEGIC OFFENSIVE ARMS

Table: Aggregate Numbers of Strategic Offensive Arms

Category of Data	United States of America	Russian Federation
Deployed Intercontinental Ballistic Missiles (ICBMs), Deployed Submarine-Launched Ballistic Missiles (SLBMs), and Deployed Heavy Bombers	662	Not Provided
Warheads on Deployed ICBMs, on Deployed SLBMs, and Nuclear Warheads Counted for Deployed Heavy Bombers	1,419	Not Provided
Deployed and Non-deployed Launchers of ICBMs, Deployed and Non-deployed Launchers of SLBMs, and Deployed and Non-deployed Heavy Bombers	800	Not Provided

The New START Treaty obligates the Parties to reduce and limit their forces so that seven years after entry into force of the Treaty, that is, by February 5, 2018, and for the remaining duration of the Treaty, each Party's aggregate numbers of strategic offensive arms as counted in accordance with the Treaty do not exceed: 700 for deployed ICBMs, deployed SLBMs, and deployed heavy bombers; 1,550 for warheads on deployed ICBMs, warheads on deployed SLBMs, and nuclear warheads counted for deployed heavy bombers; and 800 for deployed and non-deployed ICBM launchers, deployed and non-deployed SLBM launchers, and deployed and non-deployed heavy bombers.

B. Certification that the Russian Federation is in compliance with the terms of the New START Treaty, or a detailed discussion of any noncompliance by the Russian Federation.

Based on information available as of December 31, 2023, the United States cannot certify the Russian Federation to be in compliance with the terms of the New START Treaty. Both prior to and following the Russian Federation's purported suspension of the Treaty as of February 28, 2023, the Russian Federation violated several New START Treaty provisions in 2023. In particular, the Russian Federation failed to comply with its obligations to facilitate U.S. inspection activities on Russian territory and to convene sessions of the Bilateral Consultative Commission (BCC), violations that also occurred in 2022. Additionally, in the wake of its legally invalid purported suspension of the New START Treaty starting in February 2023, the Russian Federation failed to comply with its obligations to provide Treaty-required notifications and data updates, and its obligations related to the exchange of telemetric information.

In addition, Russia's violation of its obligations to facilitate inspection activities on Russian territory, provide biannual data updates, and send notifications pertaining to strategic offensive arms subject to the Treaty negatively affects the ability of the United States to verify Russia's compliance with the New START Treaty's deployed warhead limit. The United States assesses that the Russian Federation likely did not exceed the New START Treaty's deployed warhead limit in 2023. However, due to the uncertainty generated by Russia's failure to fulfill its obligations with respect to the Treaty's verification regime, the United States was unable to verify that the Russian Federation remained in compliance throughout 2023 with its obligation to limit its deployed warheads on delivery vehicles subject to the New START Treaty to 1,550.

Further information regarding the United States' findings can be found in the classified annex to this report.

Although the United States cannot certify that the Russian Federation is in compliance with the terms of the New START Treaty, the United States does not determine, per Condition (a)(1) of the Senate's Resolution of Advice and Consent to Ratification of the New START Treaty, that Russia's noncompliance specified in this report threatens the national security interests of the United States.

Background: Russia's Purported Suspension of the New START Treaty

This report's analysis of Russia's compliance with the New START Treaty following its purported suspension of the Treaty from February 28, 2023, onward assumes the legal invalidity of that suspension, consistent with the United States' established conclusion in this regard.

On February 21, 2023, President Putin announced that Russia would suspend its participation in the New START Treaty. On the same day, the Russian Ministry of Foreign Affairs released a statement providing further details on Russia's decision, falsely claiming that the United States was breaching the Treaty's central limits by removing items from accountability based on invalid conversion procedures and pointing to U.S. actions that, according to Russia, were inconsistent with the Treaty's preamble. One week later, on February 28, 2023, the Russian Federation notified the United States of Russia's purported suspension.

The United States has concluded that Russia's purported suspension of the New START Treaty is legally invalid, given that it is predicated on an alleged U.S. material breach of the Treaty that never occurred. The Russian Federation therefore remains bound by its Treaty obligations, and its failure to abide by them constitutes a violation. Shortly after Russia's purported suspension of the Treaty took effect, the United States informed the Russian Federation via diplomatic note of the U.S. determination.

Refusal to Permit U.S. Inspection Activities on Russian Territory

Noncompliance Finding: Throughout 2023, the Russian Federation failed to comply with its obligation to facilitate inspection activities under paragraph 1 of Section I of Part Five of the Protocol to the Treaty, thus denying the United States its Article XI right to conduct inspection activities.

Background: In the Condition (a)(10) compliance report covering 2022, the United States concluded that Russia had failed to comply with its obligation to facilitate inspection activities under paragraph 1 of Section I of Part Five of the Protocol to the Treaty, and thus denied the United States its Article XI right to conduct such inspection activities. At the time of that report, Russia had invoked paragraph 5 of Section I of Part Five of the Protocol to “temporarily exempt” all of its Treaty facilities from inspection activities – an invocation that the United States concluded was legally invalid. The compliance report covering 2022 stated that Russia’s resumption of facilitating inspection activities, in accordance with the terms of the Treaty, would bring Russia back into compliance with the relevant provisions and remedy the noncompliance.

In 2023, Russia did not resume facilitation of U.S. inspection activities. Instead, Russia first refused to reverse its invalid invocation of the “temporary exemption” clause, and subsequently notified the United States of its purported suspension of the New START Treaty in its entirety in February 2023.

Compliance Analysis: As discussed above and in last year’s compliance report, both of Russia’s claimed justifications for its noncompliance with its obligation to facilitate inspection activities – first its invocation of the “temporary exemption” clause, and subsequently its purported suspension of the New START Treaty – were legally invalid. Russia thus remained bound to facilitate U.S. inspection activities on its territory, but failed to do so.

Refusal to Convene Sessions of the BCC

Noncompliance Finding: The Russian Federation has failed to comply with the obligations under paragraphs 1 and 2 of Section III of Part Six of the Protocol to the Treaty regarding convening no fewer than two sessions of the BCC each year unless otherwise agreed and convening a session of the BCC within the timeline set out by the Treaty.

Background: Paragraph 1 of Section III of Part Six of the Protocol to the Treaty states: “No fewer than two sessions of the BCC shall be convened each year, unless otherwise agreed.” Additionally, paragraph 2 of the same section states: “A session of the BCC shall be convened not later than 45 days after the date proposed in the request provided for in paragraph 1 of this Section.”

In March 2023, shortly after the Russian Federation’s purported suspension of the New START Treaty, the United States proposed convening a BCC session on an emergency basis. The Russian Federation promptly rejected the U.S. proposal, in light of Russia’s purported suspension of the Treaty.

As a result of Russia's refusal to meet in the BCC, a session of the BCC was not convened within 45 days of the date proposed by the United States. Moreover, due to Russia's purported suspension of the Treaty, no sessions of the BCC were convened in Treaty Year 2023-2024.

Compliance Analysis: As stated above, Russia's suspension is legally invalid and thus does not release Russia from its Treaty obligations, including with respect to the BCC. The Russian Federation therefore bears sole responsibility for the failure to convene the session of the BCC within the 45-day timeframe set out in paragraph 2 of Section III of Part Six of the Protocol to the Treaty following the U.S. proposal in March 2023.

Furthermore, because the Russian Federation refused to convene any BCC session in Treaty Year 2023-2024, without the agreement of the United States, Russia bears sole responsibility for the failure to convene no fewer than two sessions of the BCC, as required under paragraph 1 of Section III of Part Six of the Protocol to the Treaty.

Failure to Provide Treaty-Mandated Notifications

Noncompliance Finding: The Russian Federation has failed to comply with its obligations under paragraph 2 of Article VII of the Treaty and Part Four of the Protocol by failing to provide Treaty-mandated notifications to the United States.

Background: Paragraph 2 of Article VII of the New START Treaty states: "Each Party shall notify the other Party about changes in data and shall

provide other notifications in a manner provided for in Part Four of the Protocol to the Treaty.”

On February 28, 2023, the same day Russia notified the United States of its purported suspension, Russia ceased sending the United States Treaty-mandated notifications.

Compliance Analysis: As discussed above, Russia’s purported suspension of the New START Treaty is legally invalid. Russia thus remained bound to provide Treaty-mandated notifications to the United States, but failed to do so.

Failure to Provide Biannual Data Updates

Noncompliance Finding: In connection with Russia’s noncompliance with its obligations to provide Treaty-mandated notifications, the Russian Federation refused to comply with its obligation under paragraph 2 of Section II of Part Four of the Protocol to the Treaty to provide updated data by the Treaty-mandated biannual deadlines.

Background: Paragraph 2 of Section II of Part Four of the Protocol to the Treaty requires that each Party provide:

- Notification, to be provided no later than 30 days after the expiration of each six-month period following the entry into force of the Treaty, providing updated data for each category of data contained in Part Two of this Protocol. The first of these six-month periods shall begin the first day of the calendar month following the month in which the Treaty enters into force.

Following its purported suspension of the New START Treaty, and as part of its overall failure to provide notifications as required under paragraph 2 of Article VII and Part Four of the Protocol, Russia failed to provide the United States updated data on a biannual basis in the 2023-2024 Treaty Year.

Compliance Analysis: As discussed above, Russia's purported suspension of the New START Treaty is legally invalid. Russia thus remained bound to provide biannual data updates to the United States, but failed to do so.

Failure to Discuss and Agree on Telemetry Exchange

Noncompliance Finding: The Russian Federation failed to comply with Article IX of the Treaty and paragraph 2 of Part Seven of the Protocol to discuss and agree on the number of launches of ICBMs and SLBMs conducted in calendar year 2022 for which telemetric information would be exchanged.

Background: Article IX of the Treaty provides:

- By mutual agreement of the Parties, telemetric information on launches of ICBMs and SLBMs shall be exchanged on a parity basis.

Paragraph 2 of Part Seven of the Protocol to the Treaty, as modified by BCC Agreement No. 6, provides:

- On an annual basis, within 120 days of the beginning of the calendar year, within the framework of the BCC, the Parties shall discuss the issue of the exchange of telemetric information on launches of ICBMs and SLBMs, focusing on launches conducted in the previous calendar

year, on which an exchange of telemetric information will be carried out. Following discussion within the framework of the BCC, the Parties shall take an agreed decision on the number of such launches.

Compliance Analysis: Because Russia refused to engage in the framework of the BCC or to otherwise discuss New START Treaty implementation matters with the United States in 2023, the Parties did not discuss or agree on the number of ICBM and SLBM launches conducted in calendar year 2022 for which telemetric information would be exchanged, as required by the Treaty. As a result, no exchange of telemetric information occurred.

Deployed Warhead Limit

Russia's violation of its obligations to facilitate U.S. inspection activities on Russian territory, provide biannual data updates, and send notifications pertaining to strategic offensive arms subject to the New START Treaty negatively affects the ability of the United States to verify Russia's compliance with the Treaty's deployed warhead limit. The United States assesses that the Russian Federation likely did not exceed the New START Treaty's deployed warhead limit in 2023. However, due to the uncertainty generated by Russia's failure to fulfill its obligations with respect to the Treaty's verification regime, the United States was unable to verify that Russia remained in compliance throughout 2023 with its obligation to limit its deployed warheads on delivery vehicles subject to the New START Treaty to 1,550.

Background: Article II(b) of the New START Treaty limits the warheads on deployed ICBMs, warheads on deployed SLBMs, and nuclear warheads counted for deployed heavy bombers to 1,550. For ICBMs and SLBMs, the number of warheads is the number of reentry vehicles emplaced on deployed ICBMs and on deployed SLBMs. Each deployed heavy bomber subject to the Treaty counts as one warhead toward the 1,550 limit.

Although the Russian Federation purported to suspend the New START Treaty in its entirety on February 28, 2023, Russia has stated, both publicly and in diplomatic correspondence with the United States, that it will abide by the Treaty's central limits on strategic offensive arms, which includes the limit on deployed warheads.

Russia's noncompliance with the Treaty's verification provisions is depriving the United States of several Treaty measures that strengthen each side's ability to assess the other's compliance with the deployed warhead limit.

These measures include:

- Twice a year in data updates, each side must declare:
 - the aggregate number of warheads on deployed ICBMs, deployed SLBMs, and nuclear warheads counted for deployed heavy bombers that count toward the 1,550 limit;
 - the total number of warheads on deployed ICBMs;
 - the total number of warheads on deployed SLBMs; and,

- the number of warheads on deployed ICBMs and deployed SLBMs at each ICBM base and submarine base subject to inspection, respectively.
- As part of a Type One inspection, the inspected party must declare the number of reentry vehicles on each deployed ICBM and deployed SLBM present at the ICBM base or submarine base subject to the inspection. The inspecting party then selects one deployed missile at the inspected base and visually confirms the actual number of reentry vehicles emplaced on it.
- Each side must notify the other of changes in deployment status and location of strategic offensive arms subject to the Treaty. In particular, changes in deployment status of ICBMs and SLBMs can help inform assessments of Russia's compliance with the Treaty's warhead limit, as warheads emplaced on missiles that change from deployed to non-deployed, or vice versa, would undergo a corresponding change in deployment status. This can indicate both large and small fluctuations in Russian deployed warhead numbers (i.e., the warheads emplaced on a previously-deployed Russian ICBM that enters a storage facility or the warheads emplaced on previously-deployed SLBMs removed from a Russian ballistic submarine that enters long-term maintenance).

This regime of verification measures plays an important role in assessing Russia's compliance with the New START Treaty's deployed warhead limit by providing information on Russia's strategic offensive arms that national technical means of verification (NTM) are not able to provide on their own.

In the absence of biannual deployed warhead data declarations, the United States lacks a Treaty baseline upon which to base assessments of Russia's compliance with the deployed warhead number. Without Type One inspections, the United States lacks the more detailed Treaty snapshots of the number of reentry vehicles on each deployed ICBM and SLBM at Russian nuclear bases and the onsite ability to confirm the actual number of reentry vehicles emplaced on up to ten ICBMs and SLBMs per Treaty year. The potential risk of U.S. detection of Russian inaccurate warhead declarations during Type One inspections can also act as a deterrent against Russia issuing false warhead declarations as a way of concealing possible cheating.

Analysis: As discussed above, Russia's noncompliance with the New START Treaty's verification provisions is depriving the United States of several Treaty measures that strengthen the U.S. ability to assess the number of Russia's New START Treaty-accountable deployed warheads. This negatively affects the U.S. ability to verify Russian compliance with its Article II(B) obligation in 2023, and thus remains a matter of serious concern.

C. Certification that any conversion and elimination procedures adopted pursuant to Article VI of the New START Treaty and Part Three of the Protocol have not resulted in ambiguities that could defeat the object and purpose of the New START Treaty, or

- (i) a list of any cases in which a conversion or elimination procedure that has been demonstrated by Russia within the framework of the Bilateral Consultative Commission remains ambiguous or does not

achieve the goals set forth in paragraph 2 or 3 of Section I of Part Three of the Protocol; and

- (ii) a comprehensive explanation of the steps the United States has taken with respect to each such case.

During the course of this reporting period (January 1, 2023, through December 31, 2023), no conversion or elimination procedures have been adopted pursuant to Article VI of the Treaty and Part Three of the Protocol.

D. An assessment of the operation of the New START Treaty’s transparency mechanisms, including – (i) the extent to which either Party encrypted or otherwise impeded the collection of telemetric information; and (ii) the extent and usefulness of exchanges of telemetric information.

The New START Treaty provides for the exchange of telemetric information on an equal number of U.S. and Russian launches of ICBMs and SLBMs, but no more than five per calendar year.

As discussed in Section B of this report, because the Russian Federation refused to engage in the framework of the BCC or otherwise discuss New START Treaty implementation matters with the United States in 2023, including the issue of the exchange of telemetric information on launches of ICBMs and SLBMs conducted in calendar year 2022, no exchange of telemetric information occurred in 2023.

E. An assessment of whether a strategic imbalance exists that endangers the national security interests of the United States.

The United States continues to assess that there is not a strategic imbalance between the United States and the Russian Federation that endangers the national security interest of the United States.

As detailed in the 2022 Nuclear Posture Review, the United States retains a safe, secure, and effective nuclear arsenal that is sufficient to deter strategic attack, assure allies and partners, and respond in the event of adversary attack. The Russian Federation's noncompliance with the New START Treaty further underscores the vital importance of retaining and modernizing a safe, secure, and effective U.S. nuclear deterrent and achieving a resilient and adaptive nuclear security enterprise.

Although Russia's noncompliance with its obligations to facilitate inspection activities on Russian territory, provide biannual data updates, and send notifications pertaining to strategic offensive arms subject to the Treaty negatively affects the ability of the United States to verify Russia's compliance with the New START Treaty's deployed warhead limit, the United States continues to assess that Russia's violations of the Treaty do not currently threaten the national security interests of the United States. While the Treaty remains in force, the United States is prepared to adhere to the Treaty's central limits as long as it assesses the Russian Federation is doing so.

The United States continues to monitor the strategic implications of Russia's development of new kinds of strategic offensive arms.

The United States has made clear its concerns about Russia's arsenal of theater-range, or so-called nonstrategic, nuclear weapons. The Intelligence Community assesses that Russia's arsenal of theater-range nuclear weapons comprises 1,000-2,000 warheads. Theater-range nuclear weapons have strategic implications because any adversary use of nuclear weapons, regardless of location or yield, would fundamentally alter the nature of a conflict and create the potential for uncontrolled escalation. The United States has repeatedly conveyed these sentiments to the Russian Federation.

The United States has expressed its willingness to engage the Russian Federation on a post-2026 arms control framework, and remains committed to the objective of addressing all Russian nuclear weapons, including its large arsenal of so-called nonstrategic nuclear weapons. As President Biden stated in written remarks to the 2022 Nuclear Non-Proliferation Treaty Review Conference, "Today, my Administration is ready to expeditiously negotiate a new arms control framework to replace New START when it expires in 2026. But negotiation requires a willing partner operating in good faith." Russia's return to compliance with and full implementation of the New START Treaty would be a critical step toward demonstrating good faith.